

5812 DEVONTRY



**BUILDING AND STANDARDS BOARD AGENDA ITEM #6 FOR
WEDNESDAY, AUGUST 28, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION**

MEMORANDUM
August 22, 2013

TO: The Honorable Chairman and Board Members

THROUGH: Elda Rodriguez-Hefner, Division Manager, Code Compliance Department

FROM: Tom Maguire, C.B.O., Deputy Building Official

SUBJECT: 5812 Devontry Drive, El Paso, Texas, 79934

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on May 22nd 2013. The single family dwelling was built on or about 1992. The structure was found open, abandoned and in an advanced state of disrepair, due to lack of maintenance and vandalism and harborage by unwanted persons. Most of the doors, windows and walls are broken and in disrepair. The plumbing, electrical and mechanical systems are noncompliant and substandard. There are weeds, trash and debris throughout the property.
- 2) A certified condemnation letter was mailed to Elizabeth Olivas (GDN) for Samuel Olivas.
- 3) Certified notices of the public hearing scheduled for August 28, 2013, were mailed to the owners and all interested parties on August 08, 2013.
- 4) As of August 14, 2013, no taxes are owed.

The owner has been notified of the property violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can be rehabilitated; and
- 5) That the structure be secured and maintained secure within thirty (30) days; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City

Code Compliance Division
May 22, 2013
NOTICE OF VIOLATION

Olivas Elizabeth (GDN) for Samuel Olivas
5812 Devontry Dr
El Paso, TX 79934-3108

Re: 5812 Devontry Dr.
Blk: 4 Northtowne Village #1
Lot: 25
Zoned: R4
ENHS13-00349
7199 9991 7030 7614 2901

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states

18.50 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code. [Sec.108.1]

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. [Sec 108.1.1]

18.50.108.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. [Sec. 108.1.3]

The structure located at **5812 Devonry Dr** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- g. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- h. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Prosecutor's Office for court proceedings. The court will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.

- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Rafael Balli-Berlange
Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the properties described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

LOCATION: City Hall, City Council Chambers, 300 N. Campbell Street, 1st Floor, El Paso, Texas 79901

DATE: August 28, 2013

TIME: 5:30 p.m.

PROPERTY: 5812 DEVONTRY DRIVE, EL PASO, TEXAS also described as Lot 25, Block 4, NORTHTOWNE VILLAGE UNIT 1, an addition to the City of El Paso, El Paso County, Texas according to the plat thereof on file in Book 57, Page 44, Plat Records, El Paso County, Texas.

The Properties have been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, RUTH ARACELI OLIVAS and ELIZABETH OLIVAS (GDN) FOR SAMUEL OLIVAS, 5812 Devontry Drive, El Paso, Texas 79934-3108 and DAVID A. BONILLA, ATTORNEY AD LITEM FOR SAMUEL OLIVAS, 1533 N. Lee Trevino, Ste. B, El Paso, Texas 79936 are the owners herein after referred to as the "Owners" of the Property. If you no longer own or have an interest in the Properties, you must execute an affidavit stating that you no longer own or have an interest in the Properties and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Properties, even if you do not.

On or about May 22, 2013 an inspection of the Properties was conducted by the Environmental Services Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition. [Sec. 306.1,306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- g. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

The Owners are entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocate for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Properties are safe or that they can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owners fail to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order. The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

APPROVED AS TO CONTENT

John R. Batoon
Assistant City Attorney

Tom Maguire, C.B.O.
Deputy Building Official

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 5812 Devontry Dr. was PUBLISHED in the official City newspaper on the ____ day of _____, 2013.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 5812 Devontry Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Ruth Araceli and Elizabeth Olivas (GDN) for Samuel Rios
5812 Devontry Drive
El Paso, Texas 79934-3108

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 5812 Devontry Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

David A. Bonilla, Attorney Ad Litem for Samuel Olivas
1533 N. Lee Trevino, STe. B
El Paso, Texas 79936

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 5812 Devontry Dr. was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
300 N. Campbell
El Paso, TX 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 5812 Devontry Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 5812 Devontry Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 5812 Devontry Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Clerk, Probate Dept.
500 E. San Antonio Avenue, Suite 105
El Paso, Texas 79901

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 5812 Devontry Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date: _____

Time: _____

Inspector: _____

I certify that a true and correct copy of the foregoing Notice was POSTED at
5812 Devontry Dr. El Paso, Texas.

Date: _____

Time: _____

Inspector: _____



UNSAFE STRUCTURES REPORT

ENVIRONMENTAL SERVICES

DATE OF EXAMINATION: August 20, 2013

REP. DISTRICT: 4

ADDRESS: 5812 Devontry

ZONED: R-4

LEGAL DESCRIPTION: 4 NORTHTOWNE VILLAGE #1, LOT 25

OWNER: ELIZABETH OLIVAS (GDN) FOR SAMUEL OLIVAS **ADDRESS:** 5812 DEVONTRY DR.
EL PASO, TX 79934-3108

BUILDING USE: Abandoned Single-Family Dwelling

TYPE OF CONSTRUCTION: V, wood frame w/brick veneer and siding

FOOTINGS: Concrete

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete with ceramic tile and some carpet covering

CONDITION: Good. A structural engineer should be hired to evaluate actual condition.

EXTERIOR WALLS: Wood frame with brick veneer and siding.

HEIGHT: 25' +/-

THICKNESS: 8' – 10' +/-

CONDITION: Poor. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Wood framing w / gypsum board covering

CONDITION: Poor. Interior walls and ceilings have being damaged due to vandalism and lack of maintenance. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

ROOF STRUCTURE: Wood frame Composite Shingle roof covering.

CONDITION: Fair. A registered roofing contractor licensed in the state of Texas must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

DOORS, WINDOWS, ETC.: Wood frame doors and metal frame windows.

CONDITION: Poor. Several windows and doors are broken. Will need to replace or repair doors and windows, so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows and doors must be replaced to make them operational.

PLUMBING: Substandard plumbing installation and fixtures. A licensed plumber should be hired to bring system up to code.

ELECTRICAL: Substandard electrical installation and fixtures: A licensed electrician should be hired to bring system up to code.

MECHANICAL: Substandard mechanical installation and equipment A licensed mechanical contractor should be hired to bring system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This single family dwelling was built on or before 1992 and found open and abandoned and in a state of disrepair. Substandard electrical, plumbing and mechanical installations pose potential danger to unauthorized occupants. The windows and doors are broken and show signs of deterioration due to lack of maintenance. The structure should be secured within thirty (30) days. The premises should be cleaned of all weeds, trash and debris within thirty (30) days and be maintained clean of all weeds, trash and debris.

Rafael Balli-Berlange

Building Inspector

Appraisal & Collection Technologies - EL PASO

Action Edit Query Record Field Help Entitlements Accounts Statements Window

ORACLE

Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary Notes Documents Go To:

EVAR
ACT8006 v1.240

ACCOUNT NO(N49099900400250): YEAR = 2008, LEGAL STATUS = ACTIVE, CAUSE NUMBER = 2009TX052

08/14/2013 09:24: ACTEP

STATUS DETAIL Expand Fees Summary

Account Information
Account No. N490-999-0040-0250 Roll Code REAL PROPERTY
Certified Owner RIOS BALVINA (GDN) FOR SAMUEL OLIVAS
Parcel Address 5812 DEVONTRY DR
Amount Due as of 08/14/2013 CAD No. 91724

Tax Units
Tax Unit Description
List of Tax Units
1 5 6 7 8 9009 9089
AG INCLUDED Remove Fees Countywide

Tax Unit, Yr, Rec. Type
Tax Unit
Year
Rec. Type
Multi Select

Amount Due/Paid Information

Year	Gross Value	H	O	V	D	Excodes	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2012	\$124,434	Y			Y	Excodes	\$2,356.79	\$2,356.79	\$0.00	\$0.00	\$966.31	\$0.00	\$0.00
2011	\$132,307	Y			Y	Excodes	\$2,499.21	\$2,499.21	\$0.00	\$0.00	\$1,383.02	\$0.00	\$0.00
2010	\$138,473	Y			Y	Excodes	\$2,550.32	\$2,550.32	\$0.00	\$0.00	\$1,777.87	\$0.00	\$0.00
2009	\$139,420	Y				Excodes	\$2,575.02	\$2,575.02	\$0.00	\$0.00	\$2,166.56	\$0.00	\$0.00
2008	\$139,097	Y				Excodes	\$2,468.68	\$2,468.68	\$0.00	\$0.00	\$2,258.41	\$0.00	\$0.00
2007	\$139,097	Y				Excodes	\$2,079.06	\$2,079.06	\$0.00	\$0.00	\$2,346.18	\$0.00	\$0.00
2006	\$100,065	Y				Excodes	\$1,865.79	\$1,865.79	\$0.00	\$0.00	\$2,373.50	\$0.00	\$0.00
2005	\$75,725	Y				Excodes	\$1,866.80	\$1,866.80	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$73,553	Y				Excodes	\$1,817.40	\$1,817.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals							\$29,070.28	\$29,070.28	\$0.00	\$0.00	\$13,604.67	\$0.00	\$0.00

Last Payment Date
Last Payer

Alert

8:24 AM
8/14/2013